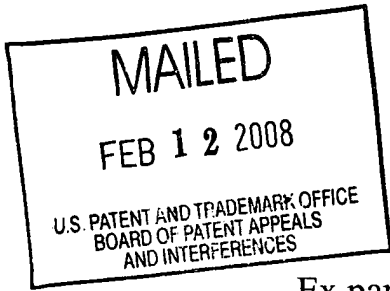


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARVEY ELLIS CLINE, RONALD DEAN WATKINS
and JOHN FREDERICK SCHENCK

Application 10/617,543

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 23, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statements (IDS) was filed on January 10, 2006. It is not apparent from the record that the examiner considered the statement submitted or notified applicants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.


Also, a Supplemental Appeal Brief was filed on July 11, 2007, in response to a Notification of Non-Compliant Appeal Brief (37CFR 41.37) filed on June 21, 2007. A PTOL-90 was filed on October 4, 2007, stating "The reply brief filed on July 11, 2007 in response to the Non-Compliant Appeal Brief notice,.....". The examiner should acknowledge the Supplemental Appeal Brief filed on July 11, 2007. Correction is required for clarification of the record.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) for consideration of the Information Disclosure Statement filed January 10, 2006,
- 2) to acknowledge receipt of the Supplement Appeal Brief filed on July 11, 2007; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/gjh

Application No. 10/617,543

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